

AMENDED IN ASSEMBLY APRIL 17, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3339

Introduced by Assembly Member ~~Knowles~~ Hoge

February 23, 1996

~~An act to add Section 351 to the Welfare and Institutions Code, relating to juveniles. An act to add Section 667.73 to the Penal Code, relating to crimes.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 3339, as amended, ~~Knowles—Hoge. Juveniles: dependency proceedings Sex offenses: punishment: chemical castration.~~

Existing law specifies the punishment for sex offenses where the victim is a child.

This bill would provide that any person guilty of a 3rd conviction of specified sex offenses where the victim is a child shall be punished by chemical castration, in addition to any other punishment prescribed by law.

~~(1) Existing law provides for the determination by the juvenile court whether a minor should be declared a dependent child of the court, as specified.~~

~~This bill would create a 3-year, 3-county pilot project requiring advisory juries in at least 20% of the dependency proceedings heard in the county, as specified, thereby imposing a state-mandated local program by requiring new duties of local officials. The bill would also require the Judicial~~

~~Council to select one of the counties involved, and to report annually on the pilot project, as specified.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: *yes no*.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 351 is added to the Welfare and~~
 2 *SECTION 1. Section 667.73 is added to the Penal*
 3 *Code, to read:*
 4 *667.73. (a) Any person guilty of a third conviction of*
 5 *any of the following offenses shall be punished by*
 6 *chemical castration, in addition to any other punishment*
 7 *prescribed by those provisions or any other provision of*
 8 *law:*
 9 *(1) Subdivision (c) of Section 286.*
 10 *(2) Section 288.*
 11 *(3) Subdivision (b) or (c) of Section 288a.*
 12 *(4) Subdivision (j) of Section 289.*
 13 *(b) The person shall be chemically castrated one week*
 14 *prior to his or her release from confinement in the state*
 15 *prison or other institution and shall continue chemical*
 16 *castration treatments until a panel of experts deems it no*
 17 *longer necessary.*
 18 *(c) The person may choose permanent, surgical*
 19 *castration in lieu of chemical castration pursuant to this*
 20 *section.*
 21 ~~Institutions Code, to read:~~

1 ~~351. (a) This section shall constitute a pilot program~~
2 ~~applicable solely to dependency proceedings~~
3 ~~commencing on or after January 1, 1997, but no later than~~
4 ~~December 31, 2000, in the following counties:~~

5 ~~(1) El Dorado County.~~

6 ~~(2) San Diego County.~~

7 ~~(3) A mid-sized county with a population of more than~~
8 ~~200,000 persons selected by the Judicial Council.~~

9 ~~(b) The counties specified in subdivision (a) shall~~
10 ~~provide a trial by an advisory jury, as defined, for a~~
11 ~~minimum of 20 percent of the contested dependency~~
12 ~~proceedings that proceed to the jurisdictional hearing.~~

13 ~~(c) At least 20 percent of the parents affected shall be~~
14 ~~randomly selected to receive a trial by advisory jury at~~
15 ~~their option. The selection process for advisory jury trials~~
16 ~~shall be a strictly random process. In the event that any~~
17 ~~of the parents so notified elect not to participate in an~~
18 ~~advisory jury trial, additional parents shall be selected so~~
19 ~~as to maintain the actual number of advisory jury~~
20 ~~participants at a minimum of 20 percent.~~

21 ~~(d) The findings of the advisory jury shall be made a~~
22 ~~part of the permanent court record; and each case shall~~
23 ~~be available for public review, less any information that~~
24 ~~would in the court's judgment inappropriately identify~~
25 ~~the family or the minor involved.~~

26 ~~(e) For purposes of this section an "advisory jury"~~
27 ~~means a jury that is fully impaneled in the same respect~~
28 ~~that other juries are impaneled; however, their~~
29 ~~determination is not binding on the court, but rather shall~~
30 ~~be used to create data to measure the degree of~~
31 ~~consistency between juvenile court judicial decisions in~~
32 ~~dependency hearings versus the decisions of an advisory~~
33 ~~jury.~~

34 ~~(f) The Judicial Council shall annually analyze and~~
35 ~~tabulate the advisory jury outcomes in each of the three~~
36 ~~pilot project counties, and make their report available to~~
37 ~~the Legislature.~~

38 ~~SEC. 2. Notwithstanding Section 17610 of the~~
39 ~~Government Code, if the Commission on State Mandates~~
40 ~~determines that this act contains costs mandated by the~~

1 ~~state, reimbursement to local agencies and school~~
2 ~~districts for those costs shall be made pursuant to Part 7~~
3 ~~(commencing with Section 17500) of Division 4 of Title~~
4 ~~2 of the Government Code. If the statewide cost of the~~
5 ~~claim for reimbursement does not exceed one million~~
6 ~~dollars (\$1,000,000), reimbursement shall be made from~~
7 ~~the State Mandates Claims Fund.~~

8 ~~Notwithstanding Section 17580 of the Government~~
9 ~~Code, unless otherwise specified, the provisions of this act~~
10 ~~shall become operative on the same date that the act~~
11 ~~takes effect pursuant to the California Constitution.~~

